



THE MAINE CEO

A PERIODIC NEWSLETTER FOR
CODE ENFORCEMENT TRAINING & CERTIFICATION
PROGRAM INFORMATION

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EDITOR'S NOTES

Is there anyone who reads this newsletter who is not familiar with the word sprawl? How about *smart growth*? If anyone is in the dark about the issues of unplanned growth, the State Planning Office has something for you. It is the *Maine Smart Growth Institute: A Leadership Program in Smart Growth*. The Institute is a certificate program developed in collaboration with the University of Maine, designed to share the best and most up-to-date information about growth issues in Maine. Here is a good example of a growth issue: In the past 30 years Maine taxpayers have funded \$300 million in new school capacity, while during the same period the statewide student population declined! Maine is at a crossroads, but there is still time to decide the best road to take. Find out about it at the Smart Growth Institute. The first session runs from September 17-21 and the second session from November 12-16. It will be held at the Bethel Inn. The cost of the program is \$750 (includes tuition, materials, lodging, and meals). Registration stipends may be available. Certified code enforcement officers who attend will receive re-certification credits. For more information contact: Amy Naylor Haible at 729-4029 or anhaible@gwi.net

MAINE BUILDING REHABILITATION CODE

The State Planning Office has reviewed and evaluated proposals to the RFPs for technical services related to developing a draft existing buildings code. The RFPs, for process facilitation services and technical engineering services, were issued and evaluated according to the State's purchasing policies. It is anticipated that contracts will be awarded in late August. Soon afterward the Maine Building Rehabilitation Code Advisory Council will begin holding regular meetings. The meetings are open to the general public. A final draft of the proposed code must be returned to the Legislature by January 15, 2002. The 120th Legislature will decide on the issue next year.

WORKSHOP REPORT

On August 21st we sponsored a special 1-day workshop for women employed in the field of code enforcement. The presenter was Ronnie Sandler of Compliance USA. Her company is based in New Hampshire and provides training and consulting services. Ronnie started her career working in the construction trades and eventually found her niche helping women who are employed in non-traditional fields, as well as the companies that employ them. The workshop covered topics including sexual harassment, self-esteem building, and assertiveness training.

UPCOMING WORKSHOPS

In September the program returns to the University of Maine's Highmoor Farm located in Monmouth for field training in *Subsurface Wastewater System Inspection Techniques*. The program will be similar to that run last year except for some minor changes to the installed systems. One hundred and sixty (160) individuals are currently registered for this session.

In October we will offer *Site Plan Review Procedures* at four locations (please see attached registration form). The training is designed to provide individuals with an overview of organizing a site plan review process and hands-on practice in site plan application review. In order to keep the hand-on practice meaningful registration for this particular workshop is limited so register early.

In November we are offering a *Building Standards* workshop in two locations. These sessions will offer an overview of the Life Safety Code, Chimney & Vent Code, and the Gas Codes (NFPA 101, NFPA 211, NFPA 54, NFPA 58 respectively). The instructors will be representatives from the State Fire Marshal's Office, Oil & Solid Fuel Board, and LP-Gas Board (please see attached registration form).

There is no scheduled training for the month of December. The program will resume its schedule in January with 2-day sessions in Civil Court Rule 80-K.

ALERT: CHANGES IN SUBDIVISION LAW

On June 6, 2001 Governor King signed LD 1278, *An Act to Implement the Recommendations of the Task Force to Study Growth Management*. Passage of this bill substantially affects Maine's subdivision law, specifically Title 30-A MRSA § 4401. The new law is **retroactive to June 1, 2001**. A copy of the new legislation is included with this newsletter. If you have questions concerning interpretation or application of the new provisions contact MMA Legal services, or your town attorney. Training on these changes will be covered at the *Court Rule 80-K Workshop* in January 2002 as well as at the *Zoning and Land Use Regulations Workshop* in February 2002. **WARNING: Be advised that an older version of LD 1278 posted to the State's web page is not the same version that was passed in session. Refer to the copy enclosed with this newsletter as a reference.**

ASSOCIATION MEETINGS

- ◇ *Maine Codes Administrators Association* will conduct its annual meeting at the MMA Conference, October 11th at 3:00 PM at the Augusta Civic Center
- ◇ *Maine Building Officials & Inspectors Association* will hold its fall meeting on September 6th in Waterville
- ◇ *Midcoast Code Enforcement Officer's Association* will meet on September 26th from 9am-noon at the Union Town Office

QUESTIONS & ANSWERS...

Q: Why must I be certified in “building standards” when my town does not have a building code?

A: According to Title 25, Chapter 313 a “municipal inspector of buildings” must be appointed if your town has a population over 2,000. Some towns with less than 2,000 chose to appoint a building inspector to enforce the Chapter 313’s provisions or other building standards. The provisions of Chapter 313 specifically relate to fire safety during construction, chimney inspections, right of entry for inspection, and issuance of certificates of occupancy. Whether the appointed code enforcement officer is also the building inspector is a local decision. **In any event, individuals whose job description or assigned duties requires them to enforce any building regulation covered under Title 30-A MRSA § 4451, 2-A (E) must be certified by the State Planning Office.**

There are currently 30 Maine communities, with populations over 2,000, who have failed to appoint a building inspector and thus are not in compliance with Maine Law. Take note that a legal challenge to your town’s issuance of building permits might be raised if you are not in compliance with either statute.

As an historical note, Title 25, Chapter 313 was first enacted into Maine law in March of 1895 and has remained relatively unchanged since that time. Essentially, Maine law has required building inspectors and building safety inspections since 1895!

More questions & answers...

Q: We are having a problem with scrapyards and auto graveyards in my town. I am familiar with the governing statute Title 30-A MRSA §§ 3751-3760. Are there any other State standards for screening and buffering of these land uses?

A: The Maine DOT has developed a set of administrative rules under the Code of Maine Regulations that provide examples of suitable screening methods and materials. Refer to CMR 17-229, Chapter 202 *Regulations for Screening Junkyards*.